

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 224 OF 2006

Dattatray Kashinath Bagul .. Petitioner.

V/s.

State of Maharashtra & Ors. .. Respondents.

Mr.R.K.Mendadkar & Ms.H.K.Mandlik for the Petitioner.

Mrs.M.P.Thakur, AGP for the Respondents.

**CORAM : F.I. REBELLO AND
R.M. SAVANT, JJ.**

DATED : 12TH MARCH, 2007.

P.C.:

. Rule. Heard forthwith.

2. One of the grievance raised by the petitioner is that the enquiry report was not made available to him. It is a mandatory requirement after the Supreme Court pronounced the judgment in Madhuri Patil's case.

3. Considering that there is failure to comply with the mandatory procedure, the order dated 31st December, 2005 is hereby set aside. The matter is remanded back to the Respondent No.2, with a direction to give to the

petitioner the copy of the enquiry report and any other material which may be used against him and after giving an opportunity to reply to the same, to hear the petitioner and pass appropriate orders according to law. The entire exercise to be completed within four months from today.

4. In the meantime, the interim order granted on 21st February, 2006 to continue till the hearing and final disposal of the petitioner's claim pending with the Committee.

5. Rule is made absolute accordingly with no order as to costs.

(F.I.REBELLO, J.)

(R.M.SAVANT, J.)

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